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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,808	11/15/2001	Ronald Quan	207	5936

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PATENT DEPARTMENT  
MACROVISION CORPORATION  
2830 DE LA CRUZ BLVD.  
SANTA CLARA, CA 95050

EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/998,808	QUAN, RONALD	
	<b>Examiner</b>	<b>Art Unit</b>	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-8, 10-11 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Morio (US Pat. No. 4,163,253).

Note to the Applicant: The USPTO considers the Applicant's "OR" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claim 1, Morio discloses a method of modifying a normal and/or copy protected video signal formed of video lines having horizontal blanking interval (HBI), horizontal (H) sync and/or color burst signals, to provide and/or enhance the normal and/or copy protected video signal so that a copy of the video signal is not accepted by watchable upon playback while the original copy protected video signal is acceptably watchable (see col. 3 line 48-col. 4 line 2 and claim 10), comprising:

applying a negative-going pulse followed by a positive-going pulse in a front porch region of the HBI immediately prior to the H sync signal to provide copy protection for the normal video signal or to enhance the playability and/or the effectiveness of the copy protected video signal (see figures 2A-2G, col. 8 line 66-col. 9 line 43, and claim 3).

Regarding claim 4, Morio discloses inserting an additional portion of color burst signal of the same phase in the front porch, H sync and/or back porch regions of the HBI to provide sufficient color burst signal to insure television chroma circuit lock-up (see col. 9 lines 18-43).

Regarding claim 5, Morio discloses adding an extra post sync negative-going pulse after the normal H sync signal in the back porch region of the HBI to offset any picture shifting effects which may be caused by the step of applying (see fig. 2A-2G and col. 8 lines 22-38).

Regarding claim 6, Morio discloses the negative-going pulse is applied at or within the end of the active video line (see col. 4 line 64-col. 5 line 25).

Regarding claim 7, Morio discloses an additional negative-going pulse is added to a latter portion of the negative-going pulse (see figures 2A-2G).

Regarding claim 8, Morio discloses A method of modifying a normal and/or copy protected video signal formed of video lines having horizontal blanking interval (HBI), horizontal (H) sync and/or color burst signals, to provide and/or enhance the normal and/or copy protected video signal so that a copy of the video signal is not acceptably watchable upon playback while the original copy protected video signal is acceptably watchable (see col. 3 line 48-col. 4 line 2 and claim 10), comprising:

applying an added negative-going pulse to a latter portion of the H sync signal and/or to a latter portion of the pseudo sync signal, to provide a negative-going amplitude extension of said latter portions of the H sync signal and/or of the pseudo sync signal (see figures 2A-2G).

Regarding claim 10, Morio discloses the H sync or pseudo sync signal is reduced in amplitude (see col. 4 lines 3-40, col. 5 line 36-col. 6 line 3).

Regarding claim 11, Morio discloses a method of modifying a normal and/or copy protected video signal formed of video lines having horizontal blanking interval (HBI), horizontal (H) sync and/or color burst signals, to provide and/or enhance the normal and/or copy protected video signal so that a copy of the video signal is not acceptably watchable upon

playback while the original copy protected video signal is acceptably watchable (see col. 3 line 48-col. 4 line 2 and claim 10), comprising:

applying a narrow negative-going pulse in a front porch region of the HBI prior to the H sync signal (see figures 2A-2G); and

applying a very narrow positive-going pulse between the narrow negative- going pulse and the H sync signal in a selected percentage of video lines which include the negative-going pulse, to provide copy protection while maintaining or enhancing the playability of the resulting copy protected video signal (see col. 4 lines 3-40, claim 14 and figures 2A-2G).

Regarding claim 14, Morio discloses amplitude modulating the positive-going pulse through a selected range of amplitude (see col. 4 lines 3-40, the amplitude and duration are predetermined).

Regarding claim 15, Morio discloses modulating the pulse range of time duration. width of the positive-going pulse through a selected range of time duration (see col. 4 lines 3-40 and col. 6 lines 17-38)

Regarding claim 16, Morio discloses the percentage of positive-going pulses added to the video lines with negative-going pulses is from 10% to 30% (see col. 4 lines 23-40, 30%).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 9, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morio.

Regarding claims 2-3, 9, and 12-13, these claims further require a specific amplitude and duration. Morio discloses predetermined amplitude and duration (see col. 4 lines 3-40). Whether changing the amplitude and duration from one unit to another unit unless by doing so produces novel and/or unexpected results is merely considered as well known design options obvious to one of ordinary skill in the art because the construction of the apparatus provides no significant functional or patentable difference on the same token that changing the amplitude and duration would have not been patentable distinct from this Application and the reference.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

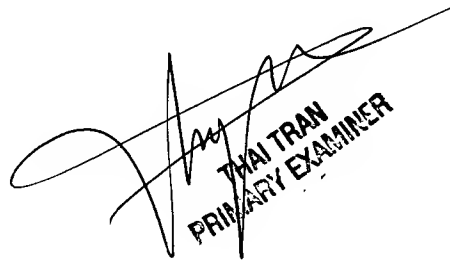
Ryan et al. (US Pat. No. 6,188,832).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
April 1, 2006



THAI TRAN  
PRIMARY EXAMINER